

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE JOINT)	CASE NO. PAC-E-05-7
APPLICATION OF IDAHO FALLS POWER)	
AND PACIFICORP FOR APPROVAL OF AN)	NOTICE OF
ELECTRIC CONSUMER ALLOCATION)	AMENDED APPLICATION
AGREEMENT.)	
)	SECOND NOTICE OF
)	MODIFIED PROCEDURE
)	
)	ORDER NO. 29869

NOTICE OF REVISED APPLICATION

YOU ARE HEREBY NOTIFIED that on September 6, 2006, Idaho Falls Power and PacifiCorp dba Utah Power & Light Company (PacifiCorp) filed an Amended Joint Application seeking the Commission's approval of a revised electric consumer allocation agreement between the parties (Revised Agreement) dated August 26, 2005. The Amended Joint Application incorporates all of the representations and assertions made in the original Joint Application filed on June 20, 2005 and noticed for public comment on June 15, 2005. *See* Order No. 29822.

YOU ARE FURTHER NOTIFIED that the Amended Joint Application, like the original Joint Application, requests Commission approval of the Revised Agreement pursuant to the provisions of the Electric Suppliers Stabilization Act (ESSA). *Idaho Code* § 61-332 *et seq.* Pursuant to the ESSA, the Commission has authority to approve or reject a contract between a municipality and a public utility, although the Commission has jurisdiction only over the public utility in such a proceeding. *Idaho Code* § 61-333.

YOU ARE FURTHER NOTIFIED that the ESSA allows electric suppliers to contract with one another for the purpose of allocating territories, consumers, and future consumers provided that the Commission approves the contract. *Idaho Code* § 61-333. The Commission approves such contracts only upon finding that the allocation is consistent with the purposes of the ESSA, which include: (1) promoting harmony between electric suppliers; (2) prohibiting "pirating" consumers; (3) discouraging electric facility duplication; (4) actively supervising electric suppliers; and (5) stabilizing the territories and consumers served. *Idaho Code* § 61-332(2).

NOTICE OF AMENDED APPLICATION
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YOU ARE FURTHER NOTIFIED that when Staff reviewed the initial Agreement filed in this case, Staff was concerned about the Agreement's potential effect of creating duplicate facilities, an outcome inconsistent with the purposes of the ESSA. Staff subsequently filed a Motion to Extend the Comment Period in order to address these concerns. The Commission granted Staff's Motion extending the first comment period for 14 days ending on August 19, 2005.

YOU ARE FURTHER NOTIFIED that Staff ultimately filed timely comments in the first comment period asserting that the parties to the Agreement were in the process of revising the Agreement to address the potential for duplicate facilities and, while Staff could not support approval of the Application as filed, it reserved the right to comment upon a revised agreement.

YOU ARE FURTHER NOTIFIED that the Amended Joint Application states that the Revised Agreement addresses Staff's concerns by requiring Idaho Falls to either serve every customer in a newly annexed parcel or to serve no customer in the newly annexed parcel. In addition, as stated in the Amended Joint Application, the Revised Agreement also includes additional minor changes that "further clarify the understanding of their respective relationship – all of which further the goals of the Electric Supplier Stabilization." *Amended Joint Application* at 2.

YOU ARE FURTHER NOTIFIED that the Revised Agreement, by its own terms, supersedes the parties' original Agreement submitted for Commission approval in the first Joint Application. *Agreement* at 3.

SECOND NOTICE OF MODIFIED PROCEDURE

YOU ARE FURTHER NOTIFIED that the Commission has reviewed the Amended Joint Application in this case and has preliminarily determined that the public interest in this matter may not require a hearing to consider the issues presented, and that the issues raised by the Application may be processed under **Modified Procedure**, i.e., by written submission rather than by hearing. IDAPA 31.01.01.210 – 204.

YOU ARE FURTHER NOTIFIED that the Commission may not hold a hearing in this proceeding unless it receives written protests or comments opposing the use of Modified Procedure and stating why Modified Procedure should not be used. IDAPA 31.01.01.203.

YOU ARE FURTHER NOTIFIED that the **deadline for filing written comments or protests** with respect to the Amended Joint Application and the use of Modified Procedure in this case is twenty-one (21) days from the service date of this Order. The comment must contain a statement of reasons supporting the comment. Persons desiring a hearing must specifically request a hearing in their written comments. Written comments concerning this Amended Joint Application shall be mailed to the Commission and the Applicants at the addresses reflected below:

Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074

Street Address for Express Mail:

472 W. Washington Street
Boise, ID 83702-5983

Peter Richardson
Richardson & O'Leary, PLLC
515 N. 27th Street
PO Box 7218
Boise, ID 83707
E-Mail: peter@richardsonandoleary.com

Lisa Nordstrom
Office of the General Counsel
PacifiCorp
825 NE Multnomah, Suite 1800
Portland, OR 97232
E-Mail: lisa.nordstrom@pacificorp.com

These comments should contain the case caption and case number shown on the first page of this document. Persons desiring to submit comments via email may do so by accessing the Commission's home page located at www.puc.idaho.gov. Click the "Comments and Questions" icon, and complete the comment form using the case number as it appears on the front of this document. These comments must also be sent to the Applicants at the e-mail addresses listed above.

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission may consider the matter on its merits and may enter its Order without a formal hearing. If written comments or protests are received within the deadline, the Commission will consider them and in its discretion may set the matter for hearing or may decide the matter and issue its Order based on the written comments before it. IDAPA 31.01.01.204.

YOU ARE FURTHER NOTIFIED that the Amended Joint Application has been filed with the Commission and is available for public inspection during regular business hours at the Commission offices or on the Commission's website, www.puc.idaho.gov by clicking on "File Room" and "Electric Cases."

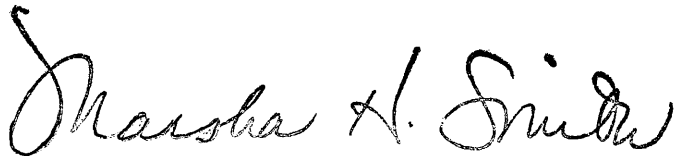
ORDER

IT IS HEREBY ORDERED that the Amended Joint Application of Idaho Falls Power and PacifiCorp be processed by Modified Procedure, IDAPA 31.01.01.201-204. Persons interested in submitting written comments in this matter must do so no later than twenty-one (21) days from the service date of this Order.

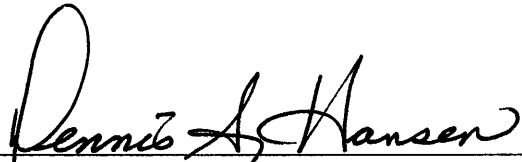
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 15th day of September 2005.



PAUL KJELLANDER, PRESIDENT



MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary